

MAR 02 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of: BACCHIAZ, et al.

Application No.: 09/764,729

Examiner: DANG, HUNG Q.

Date Filed: January 17, 2001

Group: 2635

For: BIOMETRIC KEY

PETITION TO WITHDRAW APPLICATION FROM ISSUE UNDER 37 CFR §1.313CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on 3/2/06


Sarah E. Smith

Reg. No. 50,488

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully request withdrawal of the above-identified patent application from issuance under 37 CFR §1.313.

The issue fee for the above-identified patent application was paid on October 6, 2005. During January 2006, Applicants became aware of U.S. Patent No. 6,078,265 to Bonder et al. (hereafter "Bonder"). The Bonder patent was cited by the USPTO during prosecution of co-pending U.S. Patent Application No. 11/084,367. Applicants are filing herewith a Request for Continued Examination (RCE) under 37 CFR §1.114, together with an Information Disclosure Statement citing the newly-discovered reference. It is believed that this petition is in accordance with 37 CFR §1.313(c)(2), and that the application may be withdrawn from issuance by the PTO so that the references may be considered.

{WP290024;1}

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Appln. No. 09/764,729
Petition to Withdraw from Issue

Docket No. 9300-1

The Commissioner is hereby authorized to charge the Petition fee of \$130.00 pursuant to 37 C.F.R. §1.17(h) to Deposit Account No. 50-0951. Additionally, please charge any other fees which may be required by submission of this document to Deposit Account No. 50-0951.

Date: 3/2/06

Respectfully submitted,



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